

**UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

<b>IN RE: NATIONAL PRESCRIPTION OPIATE LITIGATION</b>	<b>MDL 2804</b>
THIS DOCUMENT RELATES TO:	<b>Case No. 1:17-MD-2804</b>
“Track Eight: Cobb County, Georgia”	<b>Case No. 1:18-OP-45817</b>
	<b>Judge Dan Aaron Polster</b>

**DEFENDANT PUBLIX SUPER MARKETS, INC.’S**

**MOTION TO DISMISS PLAINTIFF COBB COUNTY’S COMPLAINT**

Defendant Publix Super Markets, Inc., (“Publix”), by and through the undersigned counsel, moves to dismiss with prejudice Plaintiff Cobb County’s (“plaintiff”) Supplemental and Amended Allegations to Be Added to “Short Form for Supplementing Complaint and Amending Defendants and Jury Demand” (“Complaint”) on the basis that plaintiff fails to state a claim against Publix for public nuisance under Georgia law. *See* Fed. R. Civ. P. 8(a), 12(b)(6); *Ashcroft v. Iqbal*, 556 U.S. 662 (2009); *Bell Atl. Corp. v. Twombly*, 550 U.S. 544 (2007). For the reasons set forth in the accompanying Memorandum of Law, and in accordance with the page limitations mandated by the Court in the Track Eight Case Management Order for Cobb County, Georgia, Doc. 3818, Section C(1)(iii), Publix respectfully requests that the Court dismiss plaintiff’s Complaint with prejudice as to Publix.

Dated: August 27, 2021

Respectfully Submitted,

/s/ Gregory S. Chernack

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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was filed electronically on August 27, 2021. Service of this filing will be made on all ECF-registered counsel by operation of the Court's electronic filing system.

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